

# Court of Appeals, State of Michigan

## ORDER

Kensington Heights Cooperative v Patricia Orozco

Docket No. 289817

LC No. 2008-008807-AV

Deborah A. Servitto  
Presiding Judge

E. Thomas Fitzgerald

Elizabeth L. Gleicher  
Judges

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In lieu of granting leave to appeal, the Court orders pursuant to MCR 7.205(D)(2) that the circuit court's order denying defendant's appeal and affirming the district court's order granting a default and default judgment is REVERSED. The trial court abused its discretion in entering the default judgment. *Kalamazoo Oil Co v Boerman*, 242 Mich App 75, 89; 618 NW2d 66 (2000). The sanction imposed was a harsh sanction under the circumstances. We REMAND this matter to the trial court for consideration of a lesser sanction than default and default judgment upon consideration of the appropriate factors. See *Vincencio v Jaime Ramirez MD, PC*, 211 Mich App 501, 506-507; 536 NW2d 280 (1995).

This order has immediate effect.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 12 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk